

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1925, A. E. Mills & Son, Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13803. Adulteration of butter. U. S. v. 79 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20321. I. S. No. 3036-x. S. No. E-5372.)

On July 14, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 79 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 6, 1925, alleging that the article had been shipped by the Farmers Cooperative Creamery Association, Castlewood, S. Dak., and transported from the State of South Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On July 29, 1925, A. E. Mills & Son, Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13804. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20322. I. S. No. 3023-x. S. No. E-5374.)

On July 14, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 8, 1925, alleging that the article had been shipped by the Ellendale Creamery Co., Ellendale, N. Dak., and transported from the State of North Dakota into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1925, the Ellendale Creamery Co., Ellendale, N. Dak., having entered an appearance as claimant for the property and having deposited \$650 in cash, in lieu of bond, conditioned in part that the product not be sold or otherwise disposed of contrary to law, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13805. Adulteration and misbranding of pineapple hearts and chocolate-covered dates. U. S. v. 30 Boxes of Pineapple Hearts and 75 Boxes of Chocolate Covered Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20163. I. S. Nos. 24219-v, 24220-v. S. No. E-5357.)

On July 2, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 boxes of pineapple hearts and 75 boxes of chocolate-covered dates, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Candy Products

Corporation, from Brooklyn, N. Y., in various consignments, namely, on or about April 29 and May 12 and 22, 1925, respectively, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Selma Brand Milk Chocolate Covered Pineapple Hearts" (or "Chocolate Covered Dates Selma Brand") "Manufactured by Candy Products Corp. Brooklyn N. Y."

Adulteration of the articles was alleged in the libel for the reason that products covered with chocolate coating containing excessive cocoa shells had been substituted in part for the said articles and for the further reason that cocoa shells had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength.

Misbranding was alleged for the reason that the labels bore statements "Milk Chocolate Covered" and "Chocolate Covered," as the case might be, which were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On September 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13806. Adulteration and alleged misbranding of chocolate malted milk. U. S. v. 135 Cases et al. of Melodew Chocolate Malted Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20373. I. S. Nos. 39-x, 40-x. S. No. W-1765.)

On August 22, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 135 cases, containing 6-ounce jars, and 119 cases, containing 12-ounce jars, of Melodew chocolate malted milk, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Melodew Products (Inc.), from New York, N. Y., in various consignments, namely, April 23 and May 1 and 2, 1925, respectively, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Melodew Choclet Malted Milk Melodew Products, Inc. New York * * * Net Wt. 6 oz." (or "Net Wt. 12 oz.").

Adulteration of the article was alleged in the libel for the reason that a substance, a mixture of malted milk, cane sugar, ground barley, malt, dried whole milk, and cocoa, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choclet Malted Milk Net Wt. 6 oz." or "Net Wt. 12 oz.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 18, 1925, A. C. Millang, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be brought into conformity with the act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13807. Adulteration and misbranding of assorted jams. U. S. v. 167 Cases of Assorted Jams. Decree entered, ordering product released under bond. (F. & D. No. 20285. I. S. Nos. 14636-v, 23267-v to 23275-v. incl., 23326-v, 23327-v. S. No. W-1754.)

On July 30, 1925, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and